

REMARKS

The Office Action mailed December 22, 2004 has been reviewed and carefully considered.

New Claims 16-18 have been added. Claims 1-15 are pending.

Claims 1, 3, 6, 7, and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable under Applicant Admission Prior Art (AAPA) and United States Patent Publication No. 2002/0108119 to Mao et al. (hereinafter “Mao”). Claims 5, 14, and 15 stand rejected under 35 U.S.C. §103(a) as being unpatentable under AAPA-Mao, as applied to Claim 1, in view of United States Patent Publication No. 2002/0165953 to Diong (hereinafter “Diong”). Claims 2, 4, and 8-12 stand rejected under 35 U.S.C. §103(a) as being unpatentable under AAPA-Mao, as applied to Claim 1, in view of what was well known in the art. The rejections are respectfully traversed.

It is respectfully asserted that none of the cited references teach or suggest at least the following limitations recited in independent Claim 1:

 sending an Internet Protocol (IP) encapsulated signal from the at least one computer, in response to an execution of a user command for the remote services control on the at least one computer, the IP encapsulated signal including an IP address of a Hypertext Transfer Protocol (HTTP) web server that is coupled to the NCS;

 receiving the IP encapsulated signal for processing by the HTTP server; and communicating the user command to the NCS, by the HTTP web server.

Further, it is respectfully asserted that none of the cited references teach or suggest at least the following limitations recited in independent Claim 13:

providing a Hypertext Transfer Protocol (HTTP) web server coupled to the NCS for communication there between; and communicating with the NCS using the HTTP web server, the DSL modem IP interface, and the web based browser interface, by the at least one computer, with respect to the remote services control, said communicating step including the steps of formatting an IP encapsulated signal from the at least one computer into an ATM formatted signal and formatting the ATM formatted signal back into the IP encapsulated signal for processing by the HTTP web server.

Moreover, it is respectfully asserted that none of the cited references teach or suggest at least the following limitations recited in independent Claim 15:

sending an Internet Protocol (IP) encapsulated signal from the at least one computer to the DSL modem, in response to an execution of a user command for the remote services control on the at least one computer through the web based browser interface; appending a unique modem serial number to the IP encapsulated signal, formatting the IP encapsulated signal into an ATM formatted

signal, and sending the ATM formatted signal to the DSLAM, by the DSL modem;

sending the ATM formatted signal to the ATM switch from the DSLAM;

sending the ATM formatted signal to the ATM terminator from the ATM switch;

formatting the ATM formatted signal back into the IP encapsulated signal, and sending the IP encapsulated signal to the IP router, by the ATM terminator;

determining whether the IP encapsulated signal is local network traffic, by the IP router;

sending the IP encapsulated signal to a Hypertext Transfer Protocol (HTTP) web server for processing when the IP encapsulated signal is the local network traffic, by the IP router; and
communicating the user command to the NCS, by the HTTP web server.

In contrast to Claims 1, 13, and 15, Mao is directed to an invention “embodied in an Internet Protocol over MPEG-2 video system with channel tracking to route the viewer’s Internet connection from one digital TV channel to another. The viewer’s the [sic] Internet connection is dynamically routed so as to track the channel changes made by the viewer” (Mao, p. 1, para. 0008; see also, Mao, title).

To the above end, Mao discloses that “[u]pstream communication channels from the settop to the headend are always out-of-band” (Mao, p. 4, para. 0046). “In the upstream direction, HTTP data packets 540 are forwarded to the out-of-band controller 525, and further transmitted 541 to the proxy server 504 which is coupled 552 to the Internet (Mao, p. 3, para. 0042).

Thus, “[i]n response to a channel change by the viewer, the settop 524 sends a channel change request 533 to the out-of-band controller 515 at the headend, which forwards 534 the out-of-band channel change request to the channel resource manager 511. ... The channel resource manager 511 determines whether the requested channel (6 MHz multiplexed MPEG digital video channel) can support another user. ... The channel resource manager 511 updates the resource table 538 in the IP gateway 513” (Mao, p. 3, para. 0039).

Accordingly, Mao is directed to channel tracking in a CATV network, and not to controlling remote services as recited in Claims 1, 13, and 15. Remote services may relate to, e.g., caller-ID, current service configuration, and billing information (see, e.g., Applicants’ specification, p. 7, lines 11-22).

Further, Mao does not disclose an ATM/DSL service system, but rather distinguishes itself from DSL (see, e.g., Mao, p. 1, para. 0002) and does not even mention ATM.

Diong is directed to a network architecture for Internet appliances (Diong, title). Diong does not disclose or suggest an ATM/DSL service system, nor ATM or DSL.

Thus, none of the cited references disclose sending an IP encapsulated message from a computer included in customer premise equipment (CPE) to a network control system (NCS) included in an ATM/DSL head-end system, via an HTTP web server connected to the NCS, as essentially recited in Claims 1, 13, and 15.

Moreover, none of the cited references discloses that the IP encapsulated message is sent from the computer in the CPE to the NCS in the head-end system via the HTTP web server in response to the execution of a user command for remote services control on the computer, as essentially recited in Claims 1 and 15.

Further, none of the cited references disclose the preceding limitations with the further limitations of formatting the IP encapsulated signal into an ATM formatted signal and formatting the ATM formatted signal back into the IP encapsulated signal for processing by the HTTP web server, as essentially recited in Claims 13 and 15. For example and at the least, since none the cited references are directed to ATM/DSL service system, clearly none of these references can be said to disclose the formatting limitations of the preceding claims from IP into ATM and then back to IP.

Moreover, obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention when there is some teaching, suggestion, or motivation to do so found either implicitly or explicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art (see, e.g., MPEP §2143.01). It is respectfully asserted that there is no such teaching, suggestion or motivation. For example, as noted above, Mao is directed to CATV and distinguishes itself from DSL while not even mentioning ATM. Diong, as noted above, does not disclose or suggest an ATM/DSL service system, nor ATM or

DSL. Further, Mao is directed to channel tracking and Diong is directed to Internet appliances, neither are directed to remote services control as recited in Claims 1, 13, and 15. Accordingly, the Applicants respectfully assert there is no teaching, suggestion or motivation to combine the cited references to arrive at the claimed invention.

“To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art” (MPEP §2143.03, citing *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)). Accordingly, since none of the cited references, either taken singly or in any combination, disclose all of the limitations recited in the pending Claims as described above, the rejection is without merit.

Further, with respect to the claims dependent from Claims 1, 13, and 15, “[i]f an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious” (MPEP §2143.03, citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)).

Claims 2-12 depend from Claim 1 or a claim which itself is dependent from Claim 1 and, thus, include all the limitations of Claim 1. Claim 14 depends from Claim 13 and, thus, includes all the limitations of Claim 13. Accordingly, Claims 2-12 and 14 are patentably distinct and non-obvious over the cited references for at least the reasons set forth above with respect to Claims 1 and 13, respectively.

Accordingly, reconsideration of the rejections is respectfully requested.

As noted above, new Claims 16-18 have been added. Claims 16, 17, and 18 depend from Claims 1, 13, and 15, respectively, and, thus, include all the limitations of Claims 1, 13, and 15, respectively. Accordingly, Claims 16, 17, and 18 are patentably distinct and non-obvious over the cited references for at least the reasons set forth above

with respect to Claims 1, 13, and 15, respectively. Moreover, said dependent claims include patentable subject matter in and of themselves and are, thus, patentable distinct and non-obvious over the cited references in their own right. For example, none of the cited references teach or suggest "wherein the remote services control is unrelated to a channel change", as recited in Claims 16-18.

In view of the foregoing, Applicants respectfully request that the rejection of the claims set forth in the Office Action of December 22, 2004 be withdrawn, that pending claims 1-18 be allowed, and that the case proceed to early issuance of Letters Patent in due course.

It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required at this time in connection with the application, they may be charged to applicant's Deposit Account No.

Respectfully submitted,

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